

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

KEVIN DAVIS,

Plaintiff,

v.

BACA; *et al.*,

Defendants.

3:12-cv-00273-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#59<sup>1</sup>) entered on November 19, 2013, recommending denying Plaintiff's Motion for Summary Judgment (#29) filed on May 16, 2013, and granting in part and denying in part Defendants' Motion for Summary Judgment (#42) filed on August 9, 2013. Plaintiff filed his Objections to the Magistrate Judge's Report and Recommendation (#60) on December 6, 2013. Defendants have not filed a response. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate

<sup>1</sup>Refers to court's docket number.

1 Judge's Report and Recommendation (#59) entered on November 19, 2013, should be adopted and  
2 accepted.

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#59)  
4 entered on November 19, 2013, is adopted and accepted, and Plaintiff's Motion for Summary Judgment  
5 (#29) is DENIED.

6 IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Defendants' Motion for  
7 Summary Judgment (#56) is DENIED.

8 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#42) is  
9 GRANTED in part and DENIED in part as follows:

10 (1) Summary Judgment is GRANTED as to all claims against Graham in count III;

11 (2) Summary Judgment is DENIED as to the remaining defendants in count III and as to all  
12 defendants in count I.

13 IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File/Motion to Enlarge  
14 Opposition to Defendants' Motion for Summary Judgment (#55) is GRANTED.

15 IT IS FURTHER ORDERED that this case is referred to the Honorable Valerie P. Cooke for  
16 the purpose of conducting a settlement conference.

17 IT IS FURTHER ORDERED that, if settlement is unsuccessful, the remaining parties shall  
18 submit their proposed joint pretrial order pursuant to Local Court Rules 16-3 and 16-4 within forty-five  
19 (45) days of the unsuccessful settlement conference.

20 IT IS SO ORDERED.

21 DATED this 22nd day of January, 2014.

22   
23 LARRY R. HICKS  
24 UNITED STATES DISTRICT JUDGE  
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